

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOWAKI KOMATSU,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

22-CV-0424 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, is subject to a prefiling injunction. *Komatsu v. The City of New York*, ECF 1:20-CV-07046, 45 (ER) (S.D.N.Y. Dec. 20, 2022). District Judge Edgardo Ramos granted Plaintiff permission to bring this action, arising from an incident on July 25, 2017, to the extent that the incident was outside the scope of the leave to file order. (ECF 289) (Memo Endorsement).

By order dated February 1, 2022, the Court held that Plaintiff's 251-page complaint did not comply with Rule 8 and that his claims arising in 2017 were time-barred when he filed this action unless there was some basis for equitable tolling. The Court granted Plaintiff leave to file an amended complaint. Plaintiff filed an amended complaint (ECF 10), but he asserted new claims wholly different from those he had been granted leave to file. On August 15, 2022, the Court therefore struck the amended complaint (ECF 23), and granted Plaintiff an additional 30 days to file an amended complaint as set forth in the February 1, 2022 order.

Plaintiff now seeks an extension of time to file an amended complaint regarding the July 25, 2017, incident in the subway. (ECF 24.) He argues that this is necessary because of the many cases that he is litigating, as well as because of "ongoing judicial misconduct," the fact that he is

“unable to have any judge properly do their job,” and “colossal screw-ups by the U.S. Postal Service and the Second Circuit” (*Id.* at 4.)

Plaintiff’s amended complaint is currently due on September 15, 2022. Although Plaintiff’s letter does not show good cause for an extension of time, the Court extends the time for Plaintiff to amend his complaint to Friday, September 30, 2022. As set forth in the Court’s August 15, 2022, order, Plaintiff’s amended complaint must be limited to a short and plain statement of his claim regarding the incident he was granted leave to pursue.

CONCLUSION

Plaintiff’s request for an extension of time (ECF 24) is granted. The Court directs Plaintiff to file his amended complaint, as set forth in the August 15, 2022, order, on or before September 30, 2022.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 29, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge